

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Bay Front Road, at its
intersection w/Headland Road
(7421 Bay Front Road)
15th Election District
7th Councilmanic District

William J. Moxey, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-475-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 7421 Bay Front Road, located in the vicinity of Lodge Farm Road in Lodge Forest. The property is a waterfront lot with frontage on Old Road Bay. The Petition was filed through the Administrative Variance process by the owners of the property, William J. and Geraldine A. Moxey. However, as a result of a letter from a neighbor voicing several concerns regarding the structure which is the subject of this hearing, the Zoning Commissioner required that a public hearing be held to determine the appropriateness of the variance request. Specifically, the Petitioners seek relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a height of 18 feet in lieu of the maximum permitted 15 feet for an existing detached accessory structure located in the rear yard. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were William J. Moxey, property owner, James M. McKinney, Zoning Consultant, Joseph C. Nowakowski and George Parsons, nearby property owners. Appearing as an interested party was Linda West, also a nearby resident of the area.

ORDER RECEIVED FOR FILING

Date 9/2/95

By [Signature]

MICROFILMED

Testimony and evidence offered revealed that the subject property consists of .46 acres, more or less, zoned D.R. 5.5, and is improved with a single family dwelling. Also on the property to the rear of the site, approximately 8 feet from the water, is a concrete patio which has been covered with a roof and an attached 16' x 38'8" building which is used as a wood shop. The subject building is 18 feet in height. Testimony indicated that the waterfront side of this property is considered to be the rear yard and that the dwelling has been oriented to face Bay Front Road. While the accessory structure is properly located in the rear yard of the property, the requested variance is necessary due to the 18-foot height of the structure.

Mr. Moxey testified that this structure has existed on the property for many years and was previously used as a boat house. Testimony indicated that as a result of deteriorating conditions, Mr. Moxey was forced to renovate the building. However, Mr. Moxey failed to obtain a building permit to legitimize those renovations. Photographs of the property show that when Mr. Moxey replaced the roof on the structure, he changed the pitch of the roof from an "A" frame to more of a barn type roof. In addition, the structure has been equipped with several windows, including an attractive bay style window. Given the style and design of the building, it has the appearance of a two-story structure which could be used as a second dwelling.

In response to my question as to whether this structure would be used as a second dwelling, Mr. Moxey vehemently denied that this structure would be used for such purpose. He testified that it is not possible to extend sewer facilities to the building in that it sits well below the elevation of the present sewer line. He testified that there is no bath-

room located within the building and reiterated his testimony that he does not intend to utilize the structure as a second dwelling.

Ms. Linda West attended the hearing out of concern that the subject structure would, in fact, be used as a second dwelling. Ms. West had no objections to the structure, itself, only that it might be later converted for use as a second dwelling. She requested that the use of the structure be limited so that it would not be used as another residence.

After considering all of the testimony and evidence presented at the hearing, it became apparent to this Deputy Zoning commissioner that Mr. Moxey was simply renovating an old boat house that has existed on his property for many years. Testimony revealed that the height of this structure has remained constant; however, the pitch of the new roof changed from an "A" frame to a barn style roof. I find from the testimony presented that Mr. Moxey was simply repairing an existing structure and am satisfied that he has no intention of creating a second dwelling unit therein.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

ORDER RECEIVED FOR FILING

Date

By

RECEIVED

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28
(1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

As noted above, this property is a waterfront lot fronting Old Road Bay. As such, any development on the property is subject to Critical Areas legislation and a review by the Department of Environmental Protection and Resource Management (DEPRM) to determine what impact, if any, the proposed development might have on the Chesapeake Bay. As of the date of this Order, no comments had been received from DEPRM recommending that approval be granted subject to certain terms and conditions. Inasmuch as the structure which is the subject of this request has existed on the property for many years and most likely, existed prior to the enactment of Critical Areas legislation, it appears that the relief requested is in harmony with the general spirit and intent of the Critical Areas legisla-

ORDER RECEIVED FOR FILING

Date

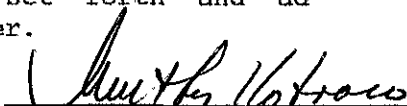
By

tion for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of September, 1995 that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a height of 18 feet in lieu of the maximum permitted 15 feet for an existing detached accessory structure in the rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall not allow or cause this accessory structure to be converted to a second dwelling unit and/or apartments. The structure shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division of the Permits and Development Management (PDM) office to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 9/7/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

September 7, 1995

(410) 887-4386

Mr. & Mrs. William J. Moxey
7421 Bay Front Road
Baltimore, Maryland 21219

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Bay Front Road, at its intersection w/Headland Road
(7421 Bay Front Road)
15th Election District -7th Councilmanic District
William J. Moxey, et ux- Petitioners
Case No. 95-475-A

Dear Mr. & Mrs. Moxey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Linda West
7427-A Bay Front Road, Baltimore, Md. 21219

Ms. Marion P. Szymanski
7501 Iroquois Avenue, Baltimore, Md. 21219

People's Counsel; DEPRM; Case File

MICROFILMED





Petition for Administrative Variance

95-475-A

to the Zoning Commissioner of Baltimore County

for the property located at 7421 Bay Front rd.

which is presently zoned DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 to allow a height of 18' in lieu of the required 15' for a detached accessory structure in the rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Need for storage space. Could not expand the footprint of the existing building as it would not be allowed under the Chesapeake Bay Critical Area Law.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

WILLIAM JOSEPH MOXOY
(Type or Print Name)

William Joseph Moxoy
Signature

GERALDINE A. MOXEY
(Type or Print Name)

Geraldine A. Moxey
Signature

7421 BAY FRONT RD. 410-388-0838
Address Phone No.

BALTO. MD. 21219
City State Zipcode

Name, Address and phone number of representative to be contacted

Samuel McKinnon
Name
2633 South Bond Rd 422-4677
Address Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: JMA DATE: 6-21

ESTIMATED POSTING DATE: 07-07



Printed with Soybean Ink
on Recycled Paper

ITEM #: 475.

ORDER RECEIVED FOR FILING

Date



Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 7421 Bay Front rd.
address

Baltimore, MD. 21219
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Need for more storage space. Could not change the foot print of the
building as it would not be allowed under the Cheasepeak Bay
Critical Area Law.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

William Joseph Moxey
(signature)
William Joseph Moxey
(type or print name)



Geraldine A. Moxey
(signature)
GERALDINE A. MOXEY
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of May, 19 95, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William Joseph Moxey and Geraldine A. Moxey

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

May 20, 1995
date

Vanessa A. Cager
NOTARY PUBLIC

My Commission Expires:

VANESSA A. CAGER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 29, 1999

MICROFILMED

ZONING DESCRIPTION

95-475-A

7421 BAYFRONT RD
BALTIMORE, MARYLAND 21222

BEGINNING AT A POINT ON THE WEST SIDE OF
A 10' RIGHT OF WAY 342.89' S 10° 57' W OF THE
SOUTH SIDE OF BAY FRONT ROAD WHICH IS AN 80'
RIGHT OF WAY AT THE DISTANCE OF 450' WEST
OF THE CENTER LINE OF LODGE FARM ROAD.

AS RECORDED IN DEED LIBER 4861, FOLIO 321

N 79° 03' W 90.15', S 12° 00' W 242.96',

BOUNDING ON OLD ROAD BAY, EASTERLY 104.89', N 10° 57' E
197.61' TO THE PLACE OF BEGINNING.

CONTAINING 20,240 SQUARE FEET. ALSO KNOWN AS

7421 BAYFRONT RD AND LOCATED IN THE 15TH
ELECTION DISTRICT.

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95- 475-A

District: 15th Date of Posting: 7/2/95

Posted for: Variance

Petitioner: Wm. & Geraldine Moxey

Location of property: 7421 Bay Front Rd.

Location of Signs: Facing roadway, on property, being zoned

Remarks: _____

Posted by: M. Shedy Date of return: 7/7/95
Signature

Number of Signs: 1

NICKOLSON

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-475-A

District 150

Date of Posting 8/5/95

Posted for: Variance

Petitioner: Wm. & Geraldine Moxey

Location of property: 7421 Bay Front Rd

Location of Signs: Facing roadway at entrance to driveway leading
to property

Remarks: _____

Posted by [Signature]
Signature

Date of return: 8/12/95

Number of Signs: 1



RECEIVED
BALTIMORE COUNTY
ZONING DEPARTMENT
AUG 15 1995

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Aug. 4, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug. 3, 1995

THE JEFFERSONIAN,

A. Henrichs
LEGAL AD. - TOWSON

Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Property: 111 W. Chesapeake Avenue, Towson, MD. 21204

Legal Owner(s): William Joseph Moxley and Geraldine A. Moxley

Hearing: Thursday, August 24, 1995 at 11:00 a.m. in Rm. 106, County Office Building.

Variance to allow a height of 18 feet in lieu of the required 15 feet for a detached accessory structure in the rear yard.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.
8/083 Aug. 3.

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

004929

DATE 8/8/95 ACCOUNT 01-615

AMOUNT \$ 35.00

RECEIVED FROM: William J. Moxey

880 - sign reporting for challenge, Almo V. Moxey
Case - 95-475-A

FOR: COBIL 8/8/95 02:00:25

01A01#0158MICHRC \$35.00
BA C012:03PM08-08-95

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

003612

DATE 6-21-75 ACCOUNT R-001-6150

010 Res Val. 50
ESC Isign 35
TOTAL 85 AMOUNT \$

RECEIVED FROM: William & Geraldine Moxley

7921 Bay Forest Rd.

Item # 475

FOR: _____

MICROFILMED 03A03#0022MICHRC \$85.00
BA C002:41PM06-21-95

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 475.

Petitioner: William J. Moxey

Location: 7421 Bay Front rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: William Moxey

ADDRESS: 7421 Bay Front Rd.

Baltimore, MD. 21219

PHONE NUMBER: 388-0838

AJ:ggs

475.

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
Issue - Jeffersonian

Please forward billing to:

William and Geraldine Moxley
7421 Bay Front Road
Baltimore, MD 21219
388-0838

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-475-A (Item 475)
7421 Bay Front Road
S/S Bay Front Road, corner Headland (panhandle lot driveway)
15th Election District - 7th Councilmanic
Legal Owner(s): William Joseph Moxey and Geraldine A. Moxey
HEARING: THURSDAY, AUGUST 24, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to allow a height of 18 feet in lieu of the required 15 feet for a detached accessory structure in the rear yard.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 31, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-475-A (Item 475)

7421 Bay Front Road

S/S Bay Front Road, corner Headland (panhandle lot driveway)

15th Election District - 7th Councilmanic

Legal Owner(s): William Joseph Moxey and Geraldine A. Moxey

HEARING: THURSDAY, AUGUST 24, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to allow a height of 18 feet in lieu of the required 15 feet for a detached accessory structure in the rear yard.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon

Director

Department of Permits and Development Management

cc: William and Geraldine Moxey
James McKinney

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



RECEIVED
AUG 1 1995

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 27, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-475-A (Item 475)
7421 Bay Front Road
S/S Bay Front Road, corner Headland (panhandle lot driveway)
15th Election District - 7th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before July 2, 1995. The closing date (July 17, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director
Department of Permits and Development Management

cc: William and Geraldine Moxey
James McKinney

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 10, 1995

Mr. and Mrs. William J. Moxey
7421 Bay Front Road
Baltimore, Maryland 21219

RE: Item No.: 475
Case No.: 95-475-A
Petitioner: W. J. Moxey, et ux

Dear Mr. and Mrs. Moxey:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 21, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: July 5, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 7421 Bay Front Road

INFORMATION:

Item Number:

475

Petitioner:

Moxey Property

Property Size:

Zoning:

DR-5.5

Requested Action:

Administrative Variance

Hearing Date:

 / /

SUMMARY OF RECOMMENDATIONS:

The applicant request a variance to permit a height of 18' in lieu of the permitted 15'.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

Prepared by:

Jeffrey W. Long

Division Chief:

Barry L. Kerns

PK/JL

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

RECEIVED

JUL 5 1995

ZADM

(410) 887-4500

DATE: 07/03/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JUL. 03, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 468, 469, 473, 474, 475,
476 AND 477

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

RECEIVED





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-23-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County

Item No.:

475 (JRA)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 7/12/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 7/3/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 468

469

470

472

473

475

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

475

**PETITION PROBLEMS
AGENDA OF JULY 3, 1995**

#469 --- JRA

1. Need title of person signing for legal owner.
2. Need address and telephone number for legal owner.
3. Need attorney.

#470 --- CAM

1. Receipt was not given to petitioner - still in folder.

#471 --- CAM

1. Need telephone number for legal owner.
2. Receipt was not given to petitioner - still in folder.

#472 --- MJK

1. Need printed or typed title for person signing for legal owner.
2. Need power of attorney for person signing for legal owner.
3. Need printed or typed title for person signing for contract purchaser.
4. Need power of attorney for person signing for contract purchaser.
5. No location description on folder.

#475 --- JRA

1. Folder was not marked critical area.

#476 --- JLL

1. Need power of attorney for person signing for contract purchaser.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 31, 1995

William and Geradline Moxley
7421 Bay Front Road
Baltimore, Maryland 21219

RE: Case Number: 95-475-A

Dear Petitioners:

It has been determined by the Zoning Commissioner's Office that this matter should be set in for public hearing. Formal notification of the hearing date will be forwarded to you shortly.

As you recall, it now becomes necessary that we repost the property and run notice of the hearing in a newspaper of general circulation.

The reposting charge in the amount of \$35.00 is now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and immediately mailed to this office.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

If you have any questions concerning this letter, you may contact Gwen Stephens at 887-3391.

A handwritten signature in black ink, which appears to read "Arnold Jablon". The signature is fluid and cursive.

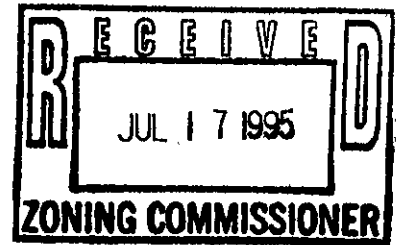
ARNOLD JABLON, DIRECTOR
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

AJ:ggs

RECEIVED JUL 31 1995



July 17, 1995



Baltimore County Zoning Commission
111 West Chesapeake Avenue
Baltimore, MD 21204
Attn: Arnold Jablon

Re: Zoning Variance Hearing
TODAY, 4:30 p.m. for:

7421 Bay Front Road
Owner: Moxey, William
Case No. 95-475A

Dear Mr. Jablon:

I would like to state the following reasons why the dwelling at the above address is not in compliance with Baltimore County building codes:

1. No permits were secured for the curb house and second story addition.
2. No variance posted for buildings constructed on a 50 ft. lot.
3. No permit secured for plumbing to crabhouse/vacation building.
4. Dwelling is already constructed in the critical area zone for the Chesapeake Bay. This area was marsh land before bulkheads were constructed.
5. If a fire started in this dwelling the fire department would not be able to reach the fire - no right of way, no driveway.
6. The dwelling blocks the view of neighbors. The law states that no construction can be above 4' to block neighbors view of the water. *36"*
7. The Bay Front Road waterfront is one of the last waterfront areas that has tried to preserve its natural beauty. The residents do not want crowded housing on 50 ft. lots.

I am not able to attend the hearing today at 4:30 p.m. The zoning office advised me to put something in writing about my concerns on the above. As a concerned citizen and member of the North Point Peninsula Community Association, I remain,

Truly Yours,

A handwritten signature in dark ink, appearing to read "Marion Szymanski".

Marion Szymanski

MS:hcb

MICROFILMED

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

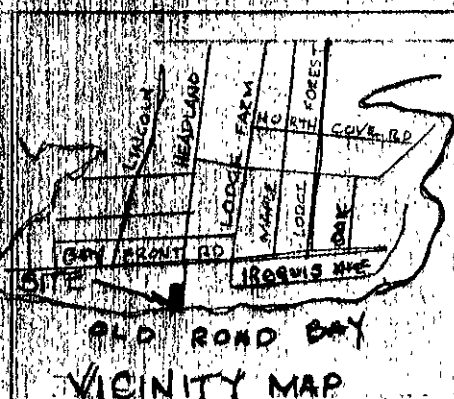
Linda West

ADDRESS

7427A Bay Front Rd
Belto Md 21219



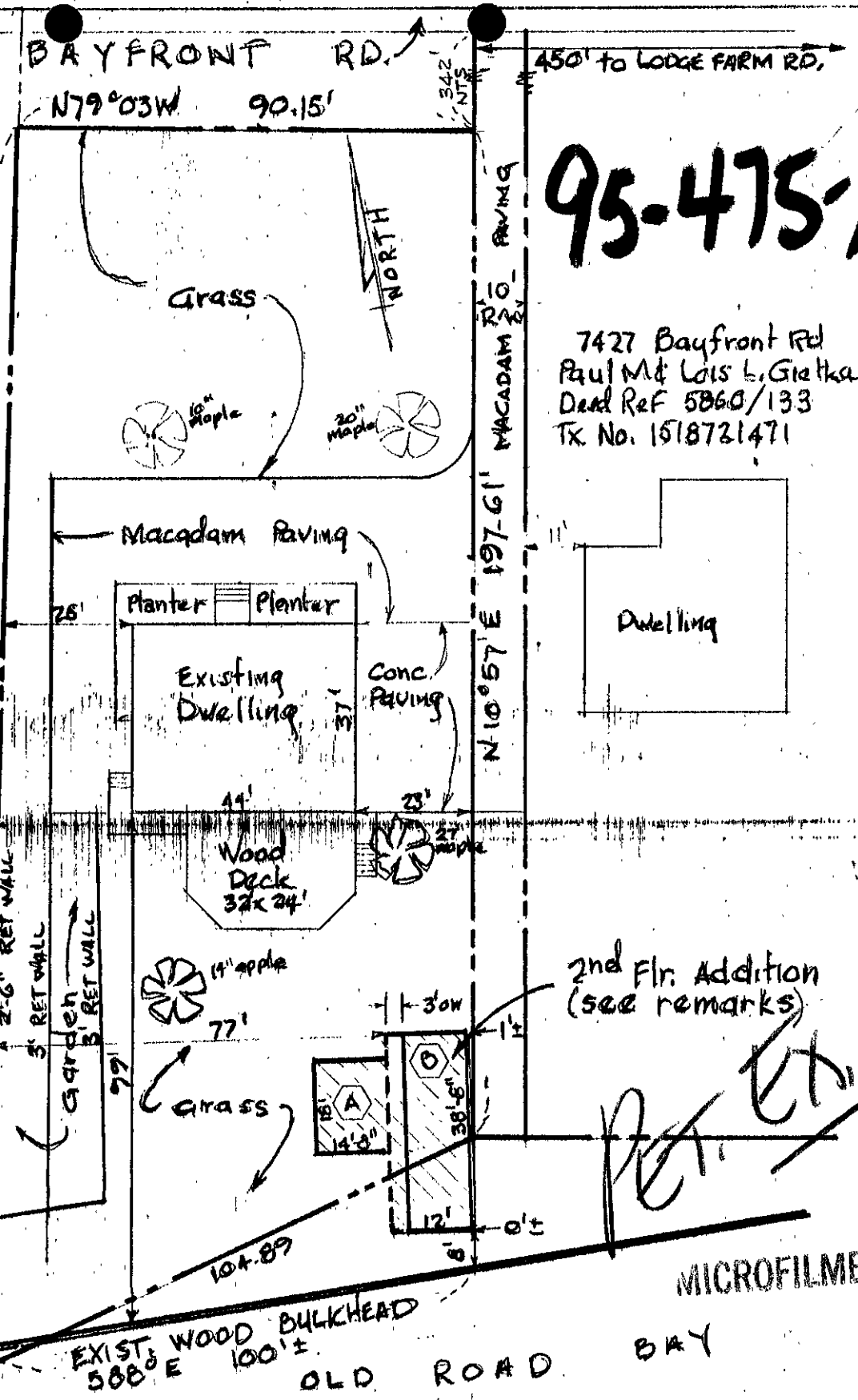
UNOFFICIAL COPY



7419 Bayfront Rd.
Cathryn P. Malan
Deed Ref: 1025/68
Tx. No. 1513200430

95-475-A

7427 Bayfront Rd
Paul M & Lois L. Gietka
Deed Ref 5860/133
Tx No. 1518731471



REMARKS

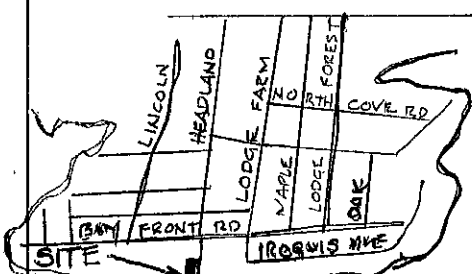
A - Roof over existing Conc. Patio. 264 SF.
B - Second Story Addition to Existing CMU Building 16x38'8" 619 SF±
Proposed use "Work Shop"
The height is 18' above existing grade, however, the grade of adjacent lots is approx 6' above applicant.

Handwritten signature/initials

MICROFILMED

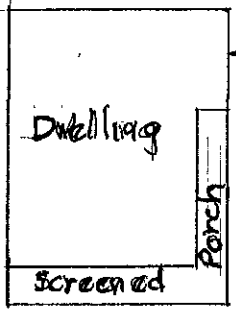
Date: June 12, 1995 Scale: 1" = 30'
Area: 20,240 SF, .46 Ac.±
Zoning: DR 5.5
Existing Public Utilities in Bayfront Rd.
This property is in critical area

Plat to accompany Height Variance
7421 Bayfront Rd
Baltimore, Md 21219
OWNER: William & Geraldine Moxey
Deed Ref: 4861/321 Plat: 10/97
Tx No: 1513751501 15th Elect, 7th Comm.



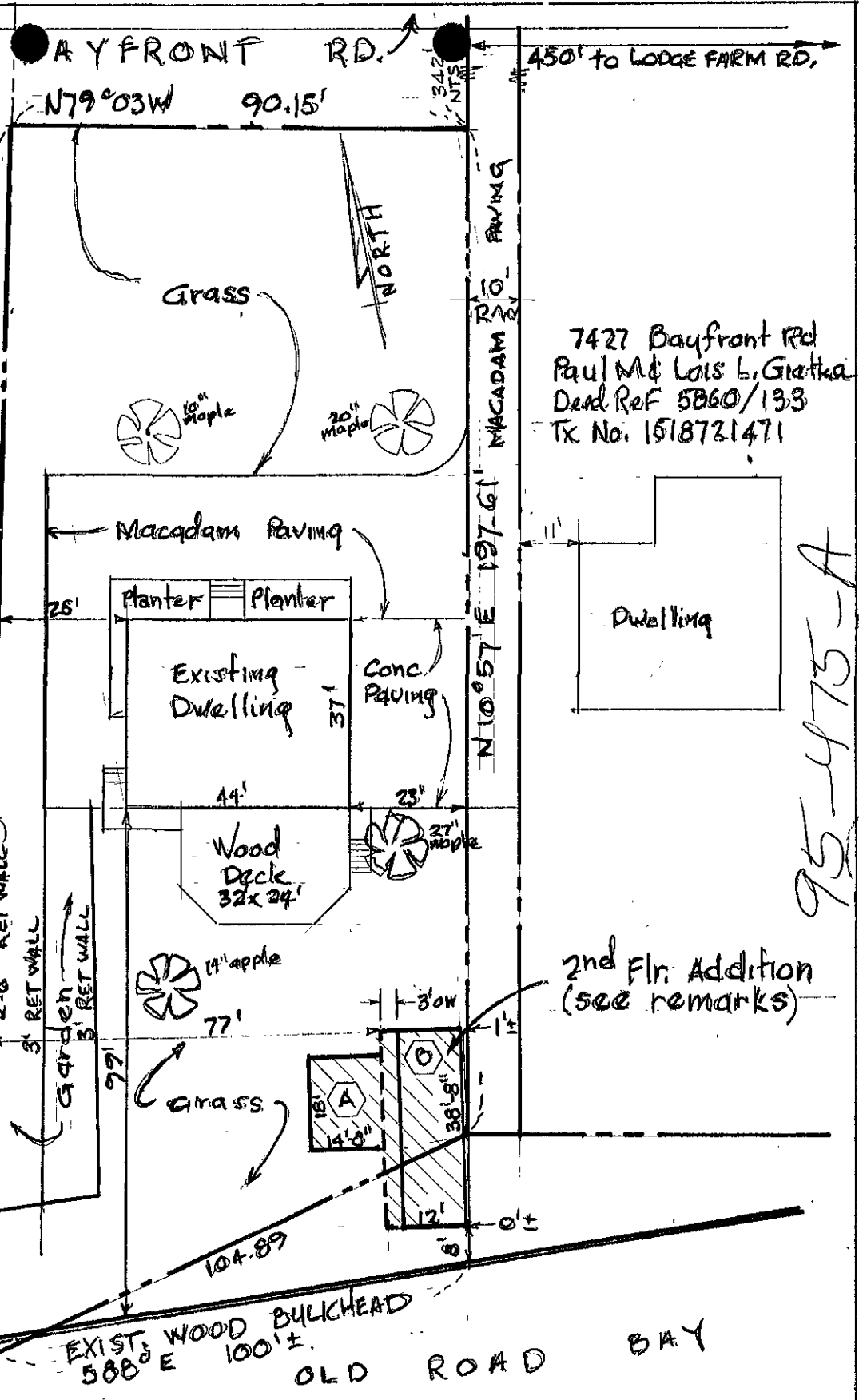
OLD ROAD BAY
VICINITY MAP

7419 Bayfront Rd.
Cathryn P. Malan
Deed Ref: 1025/68
Tx. No. 1513200430

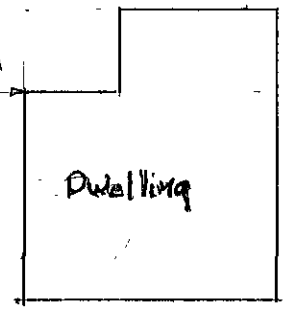


REMARKS

- A - Roof over existing Conc. Patio. 264 SF.
- B - Second Story Addition to Existing CMU Building 16x38'8" 619 SF±
- Proposed use "Work Shop"
- The height is 18' above existing grade, however, the grade of adjacent lots is approx. 6' above applicant.



7427 Bayfront Rd
Paul M & Lois L. Gietka
Deed Ref 5860/133
Tx No. 1518731471



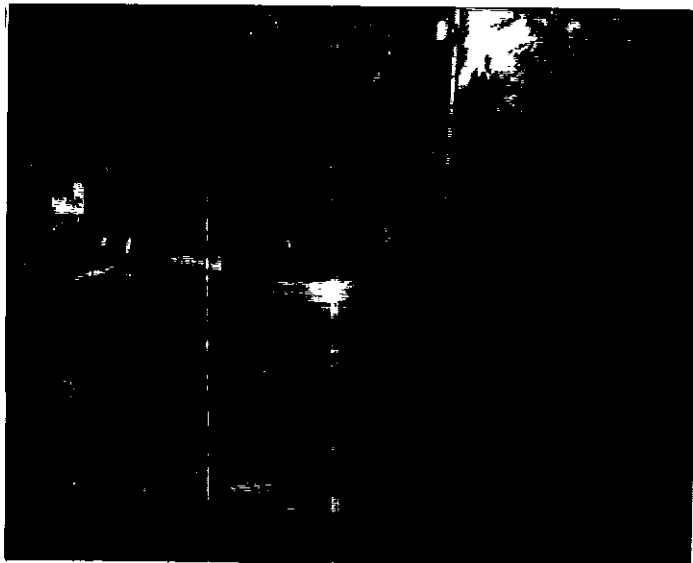
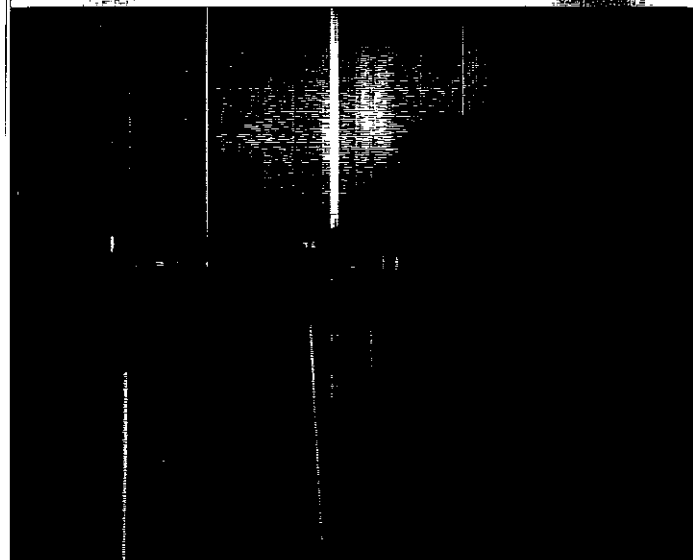
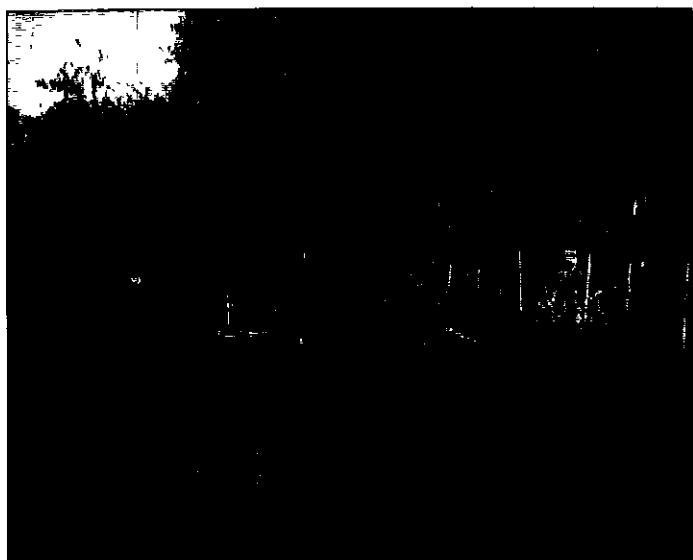
2nd Flr. Addition
(see remarks)

95-475-A

Date: June 12, 1995 Scale: 1" = 30'
Area: 20,240 SF, .46 Ac.±
Zoning: DR 5.5
Existing Public Utilities in Bayfront Rd.
This property is in critical area

Plat to accompany Height Variance
7421 Bayfront Rd.
Baltimore, Md 21219
OWNER: William & Geraldine Moxey
Deed Ref: 4861/321 Plat: 10/97
Tx No: 1513751501 15th Elect, 7th Council

675



MICROFILMED



475 - Mission

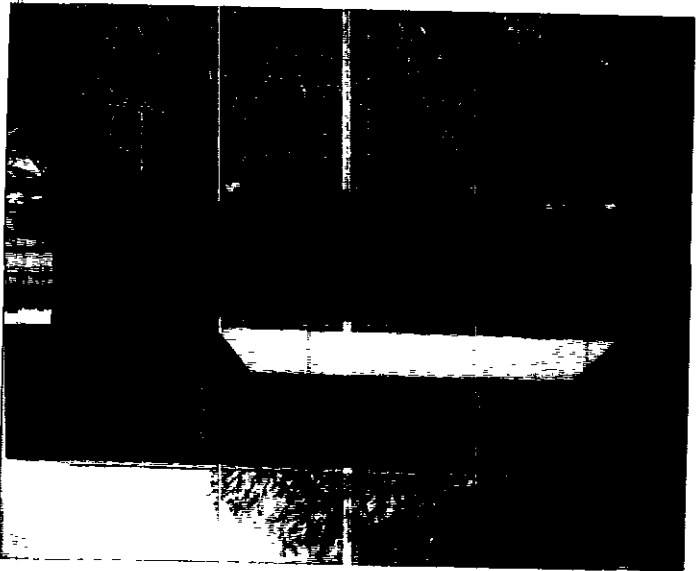
475

View from Deck



475

Side View



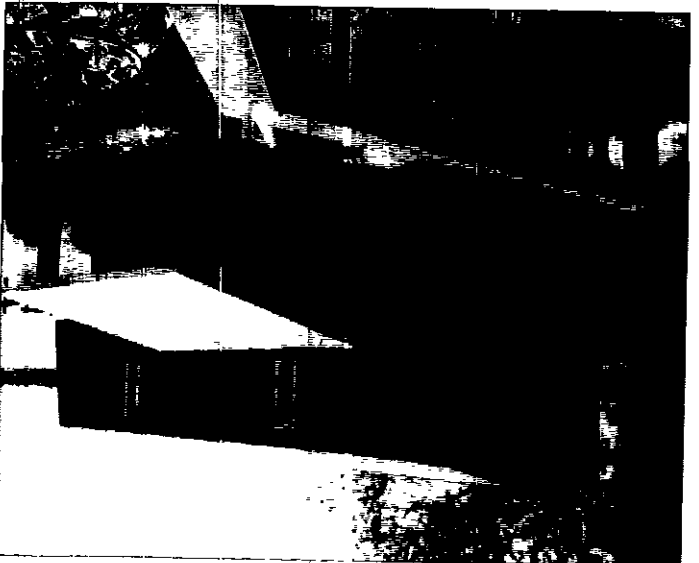
475

View from Water



475

View from Deck



95-475-A

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

James M. McKinney
WILLIAM J. MOXEY
Joseph C. Novakowski
George Parsons

7633 South Bent Rd.
7421 BAY FRONT RD.
7413 Bay Front Rd.
7429 Bay Front Rd.



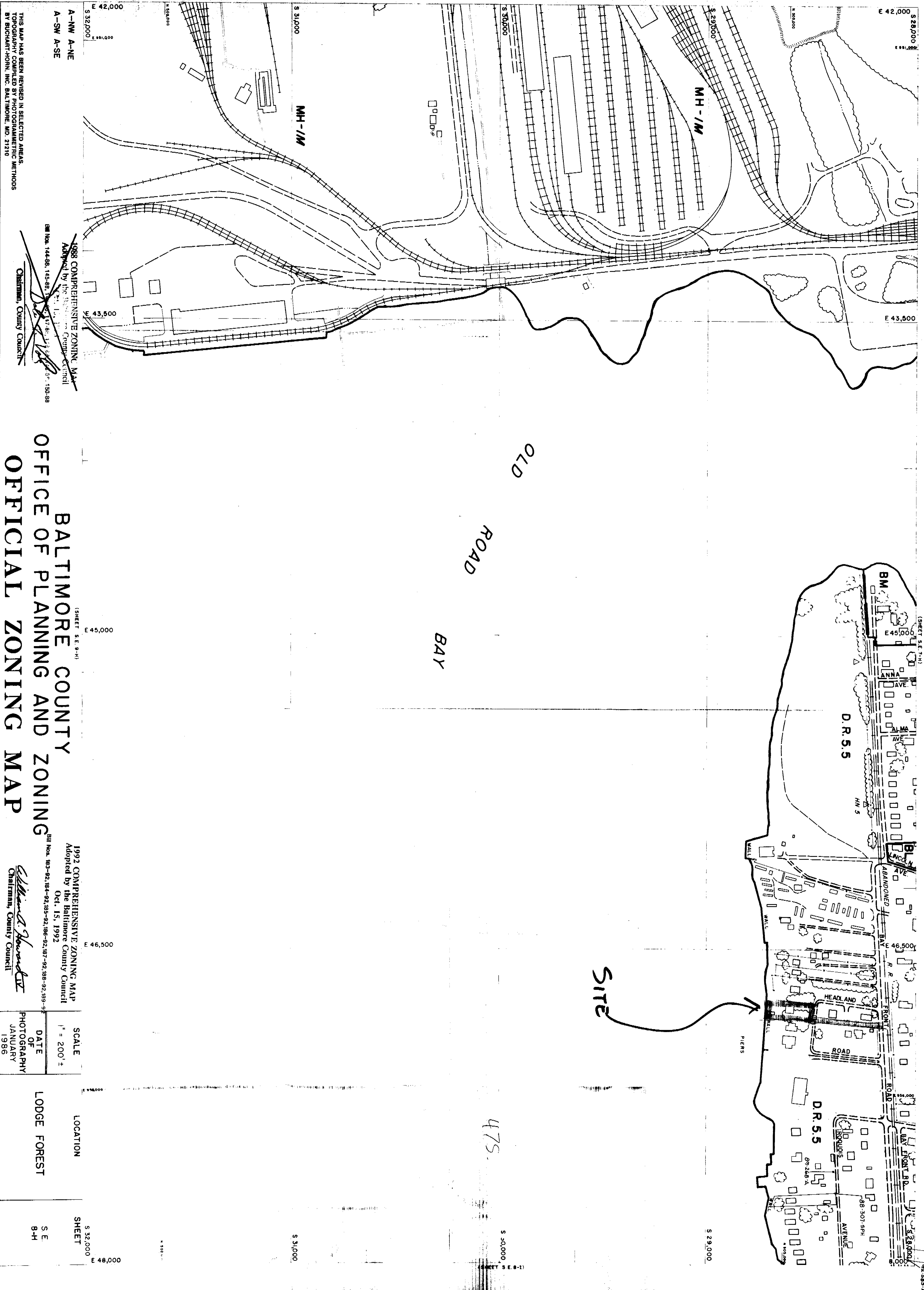
RECEIVED 11/11/04

PREPARED BY AER PHOTOGRAPHICS, INC.
BALTIMORE, M.D. 21201

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE		LOCATION	SHEET
1" = 200'	DATE OF PHOTOGRAPHY JANUARY 1986		
		LODGE FOREST	SE B-H

95-475-A



A-NW A-NE
 A-SW A-SE
 1988 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
 Chairman, County Council

1992 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1992
 Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92
 Chairman, County Council

SCALE
 1" = 200'
 DATE
 OF
 PHOTOGRAPHY
 JANUARY
 1986

LOCATION
 LODGE FOREST

SHEET
 S E
 8-H

95-475-A

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
S/S Bay Front Road, at its * DEPUTY ZONING COMMISSIONER
intersection w/Headland Road
(7421 Bay Front Road) * OF BALTIMORE COUNTY
15th Election District * Case No. 95-475-A
7th Councilmanic District *
William J. Moxey, et ux
Petitioners *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 7421 Bay Front Road, located in the vicinity of Lodge Farm Road in Lodge Forest. The property is a waterfront lot with frontage on Old Road Bay. The Petition was filed through the Administrative Variance process by the owners of the property, William J. and Geraldine A. Moxey. However, as a result of a letter from a neighbor voicing several concerns regarding the structure which is the subject of this hearing, the Zoning Commissioner required that a public hearing be held to determine the appropriateness of the variance request. Specifically, the Petitioners seek relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a height of 18 feet in lieu of the maximum permitted 15 feet for an existing detached accessory structure located in the rear yard. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were William J. Moxey, property owner, James M. McKinney, Zoning Consultant, Joseph C. Nowakowski and George Parsons, nearby property owners. Appearing as an interested party was Linda West, also a nearby resident of the area.

Testimony and evidence offered revealed that the subject property consists of .46 acres, more or less, zoned D.R. 5.5, and is improved with a single family dwelling. Also on the property to the rear of the site, approximately 8 feet from the water, is a concrete patio which has been covered with a roof and an attached 16' x 38'8" building which is used as a wood shop. The subject building is 18 feet in height. Testimony indicated that the waterfront side of this property is considered to be the rear yard and that the dwelling has been oriented to face Bay Front Road. While the accessory structure is properly located in the rear yard of the property, the requested variance is necessary due to the 18-foot height of the structure.

Mr. Moxey testified that this structure has existed on the property for many years and was previously used as a boat house. Testimony indicated that as a result of deteriorating conditions, Mr. Moxey was forced to renovate the building. However, Mr. Moxey failed to obtain a building permit to legitimize those renovations. Photographs of the property show that when Mr. Moxey replaced the roof on the structure, he changed the pitch of the roof from an "A" frame to more of a barn type roof. In addition, the structure has been equipped with several windows, including an attractive bay style window. Given the style and design of the building, it has the appearance of a two-story structure which could be used as a second dwelling.

In response to my question as to whether this structure would be used as a second dwelling, Mr. Moxey vehemently denied that this structure would be used for such purpose. He testified that it is not possible to extend sewer facilities to the building in that it sits well below the elevation of the present sewer line. He testified that there is no bath-

room located within the building and reiterated his testimony that he does not intend to utilize the structure as a second dwelling.

Ms. Linda West attended the hearing out of concern that the subject structure would, in fact, be used as a second dwelling. Ms. West had no objections to the structure, itself, only that it might be later converted for use as a second dwelling. She requested that the use of the structure be limited so that it would not be used as another residence.

After considering all of the testimony and evidence presented at the hearing, it became apparent to this Deputy Zoning commissioner that Mr. Moxey was simply renovating an old boat house that has existed on his property for many years. Testimony revealed that the height of this structure has remained constant; however, the pitch of the new roof changed from an "A" frame to a barn style roof. I find from the testimony presented that Mr. Moxey was simply repairing an existing structure and am satisfied that he has no intention of creating a second dwelling unit therein.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

As noted above, this property is a waterfront lot fronting Old Road Bay. As such, any development on the property is subject to Critical Areas legislation and a review by the Department of Environmental Protection and Resource Management (DEPRM) to determine what impact, if any, the proposed development might have on the Chesapeake Bay. As of the date of this Order, no comments had been received from DEPRM recommending that approval be granted subject to certain terms and conditions. Inasmuch as the structure which is the subject of this request has existed on the property for many years and most likely, existed prior to the enactment of Critical Areas legislation, it appears that the relief requested is in harmony with the general spirit and intent of the Critical Areas legisla-

ORDER RECEIVED FOR FILING
Date 9/29/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 9/29/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 9/29/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 9/29/95
By [Signature]

tion for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of September, 1995 that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a height of 18 feet in lieu of the maximum permitted 15 feet for an existing detached accessory structure in the rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall not allow or cause this accessory structure to be converted to a second dwelling unit and/or apartments. The structure shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division of the Permits and Development Management (PDM) office to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

September 7, 1995

(410) 887-4386

Mr. & Mrs. William J. Moxey
7421 Bay Front Road
Baltimore, Maryland 21219

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Bay Front Road, at its intersection w/Headland Road
(7421 Bay Front Road)
15th Election District - 7th Councilmanic District
William J. Moxey, et ux - Petitioners
Case No. 95-475-A

Dear Mr. & Mrs. Moxey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Linda West
7427-A Bay Front Road, Baltimore, Md. 21219

Ms. Marion P. Szymanski
7501 Iroquois Avenue, Baltimore, Md. 21219

People's Counsel; DEPRM; Case File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7421 Bay Front rd.
which is presently zoned DR.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 to allow a height of 18' in lieu of the required 15' for a detached accessory structure in the rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Need for storage space. Could not expand the footprint of the existing building as it would not be allowed under the Chesapeake Bay Critical Area Law.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Signature

Address

City

State

Zipcode

With this petition, I declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s)

William Joseph Moxey
(Type or Print Name)

William Joseph Moxey
Signature

Geraldine A. Moxey
(Type or Print Name)

Geraldine A. Moxey
Signature

7421 BAY FRONT RD. 410-388-0877
Address

BALTO. MD. 21219
City, State, Zipcode

Name, Address and phone number of representative to be contacted

William J. Moxey
Name

7421 Bay Front Rd. 410-388-0877
Address

BALTO. MD. 21219
City, State, Zipcode

Name, Address and phone number of representative to be contacted

William J. Moxey
Name

7421 Bay Front Rd. 410-388-0877
Address

BALTO. MD. 21219
City, State, Zipcode

Name, Address and phone number of representative to be contacted

William J. Moxey
Name

7421 Bay Front Rd. 410-388-0877
Address

BALTO. MD. 21219
City, State, Zipcode

Name, Address and phone number of representative to be contacted

ORDER RECEIVED FOR FILING
Date 9/29/95
By [Signature]

RECEIVED BY: JMA DATE 9-29-95
ESTIMATED POSTING DATE: 9-29-95

Printed with Soybean Ink
on Recycled Paper

ITEM #: 475

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 7421 Bay Front rd.
Address

Baltimore, MD. 21219
City, State, Zipcode

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (recite hardship or practical difficulty)

Need for more storage space. Could not change the foot print of the building as it would not be allowed under the Chesapeake Bay

Critical Area Law.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

William Joseph Moxey
Signature

William Joseph Moxey
Signature

Geraldine A. Moxey
Signature

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY, this 20 day of May, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William Joseph Moxey and Geraldine A. Moxey
Persons

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.
Date May 20, 1995

Vanessa A. Cager
NOTARY PUBLIC

My Commission Expires: March 29, 1999
VANESSA A. CAGER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 29, 1999

ZONING DESCRIPTION 95-475-A

7421 BAYFRONT RD
BALTIMORE, MARYLAND 21222

BEGINNING AT A POINT ON THE WEST SIDE OF
A 10' RIGHT OF WAY 342.89' S 10° 57' W OF THE
SOUTH SIDE OF BAY FRONT ROAD WHICH IS AN 80'
RIGHT OF WAY AT THE DISTANCE OF 450' WEST
OF THE CENTER LINE OF LOWIE FARM ROAD.

AS RECORDED IN DEED LIBER 4861, FOLIO 321
N 79° 03' W 90.15', S 12° 00' W 242.96',
BOUNDING ON OLD ROAD BAY, EASTERLY 104.89', N 10° 57' E
197.61' TO THE PLACE OF BEGINNING.

CONTAINING 20,240 SQUARE FEET. ALSO KNOWN AS
7421 BAYFRONT RD AND LOCATED IN THE 15TH
ELECTION DISTRICT.

475

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 7/1/95
Posted for: Variance
Petitioner: Wm. & Geraldine Moxey
Location of property: 7421 Bay Front Rd.
Location of Signs: Along road way, on property, facing road
Remarks:
Posted by: [Signature] Date of return: 7/1/95
Number of Signs: 1

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 7/1/95
Posted for: Variance
Petitioner: Wm. & Geraldine Moxey
Location of property: 7421 Bay Front Rd.
Location of Signs: Along road way, on property, facing road
Remarks:
Posted by: [Signature] Date of return: 7/1/95
Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein, in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case: 95-475-A (Item 475)
7421 Bay Front Road S/S Bay Front Road, corner Headland (pandhandle lot driveway)
15th Election District
7th Councilmanic Legal Owner(s): William Joseph Moxey and Geraldine A. Moxey
Hearing: Thursday, August 24, 1995 at 11:00 a.m. in Rm. 106, County Office Building.
Variance to allow a height of 18 feet in lieu of the required 15 feet for a detached accessory structure in the rear yard.
LAURENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353.
(2) Offer information concerning the file and/or hearing, please call 887-3391.
9/83 Aug 3

CERTIFICATE OF PUBLICATION

TOWSON, MD., Aug 4, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 3, 1995

THE JEFFERSONIAN,
G. Hennessey
LEGAL AD. - TOWSON
Publisher

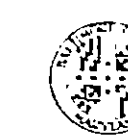
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 6-21-95 ACCOUNT: R 661-6130
OLD K.S. L.C. 50
C.S. 1510-35
RECEIVED FROM: WILLIAM J. MOXEY
7421 BAYFRONT RD.
FOR: 17041#475
05403H0322MICHRC \$85.00
8A 0002141PAG06-21-95
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 8/1/95 ACCOUNT: 01-615
AMOUNT: \$35.00
RECEIVED FROM: William J. Moxey
C.S. 1510-35
FOR: 0140140135MICHRC \$35.00
8A 0002141PAG06-08-95
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 475

Petitioner: William J. Moxey

Location: 7421 Bay Front Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: William Moxey

ADDRESS: 7421 Bay Front Rd.

Baltimore, MD. 21219

PHONE NUMBER: 388-0838

Attn:

475
(Revised 04/09/93)

13

TO: PUTNEM PUBLISHING COMPANY
Issue - Jeffersonian

Please forward billing to:

William and Geraldine Moxey
7421 Bay Front Road
Baltimore, MD 21219
388-0838

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-475-A (Item 475)
7421 Bay Front Road
S/S Bay Front Road, corner Headland (pandhandle lot driveway)
15th Election District - 7th Councilmanic Legal Owner(s): William Joseph Moxey and Geraldine A. Moxey
Hearing: THURSDAY, AUGUST 24, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to allow a height of 18 feet in lieu of the required 15 feet for a detached accessory structure in the rear yard.

LAURENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 31, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-475-A (Item 475)
7421 Bay Front Road
S/S Bay Front Road, corner Headland (pandhandle lot driveway)
15th Election District - 7th Councilmanic Legal Owner(s): William Joseph Moxey and Geraldine A. Moxey
Hearing: THURSDAY, AUGUST 24, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to allow a height of 18 feet in lieu of the required 15 feet for a detached accessory structure in the rear yard.

Arnold Jablon
Director
Department of Permits and Development Management

cc: William and Geraldine Moxey
James McKinney

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 27, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-475-A (Item 475)
7421 Bay Front Road
S/S Bay Front Road, corner Headland (pandhandle lot driveway)
15th Election District - 7th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 2, 1995. The closing date (July 17, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director
Department of Permits and Development Management

cc: William and Geraldine Moxey
James McKinney

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 10, 1995

Mr. and Mrs. William J. Moxey
7421 Bay Front Road
Baltimore, Maryland 21219

RE: Item No.: 475
Case No.: 95-475-A
Petitioner: W. J. Moxey, et ux

Dear Mr. and Mrs. Moxey:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 21, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

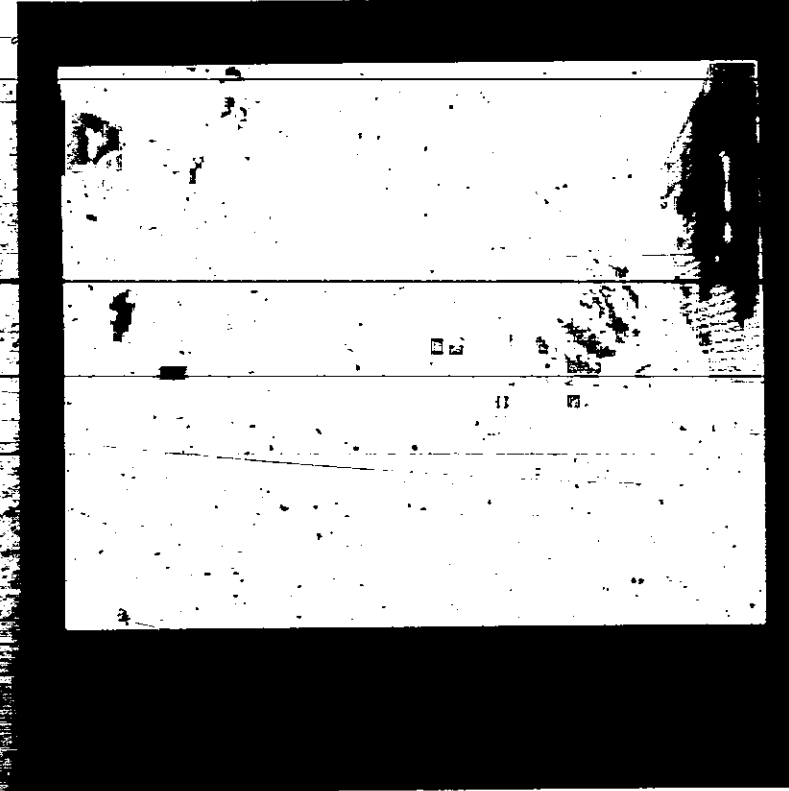
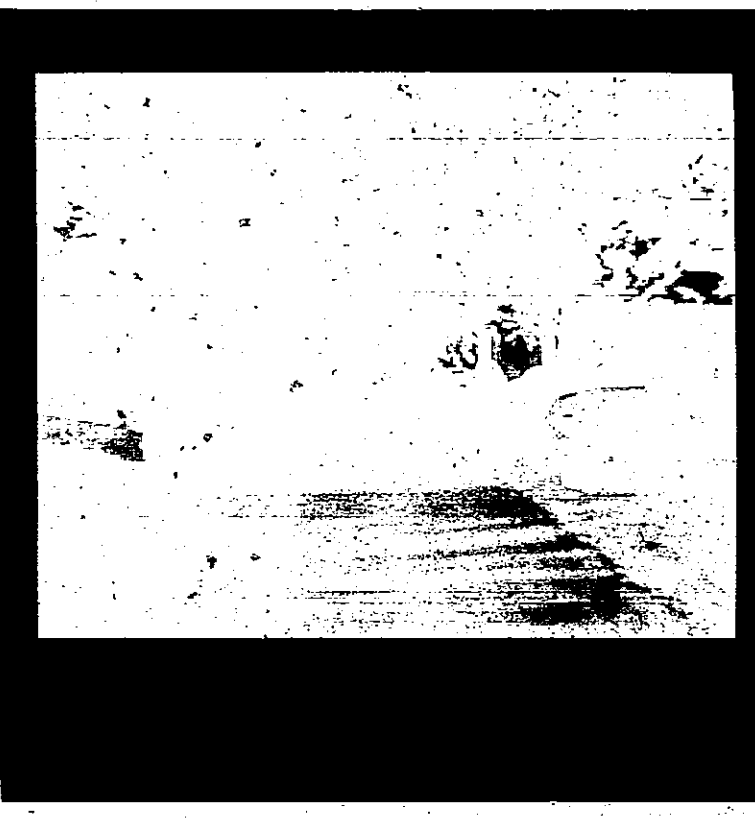
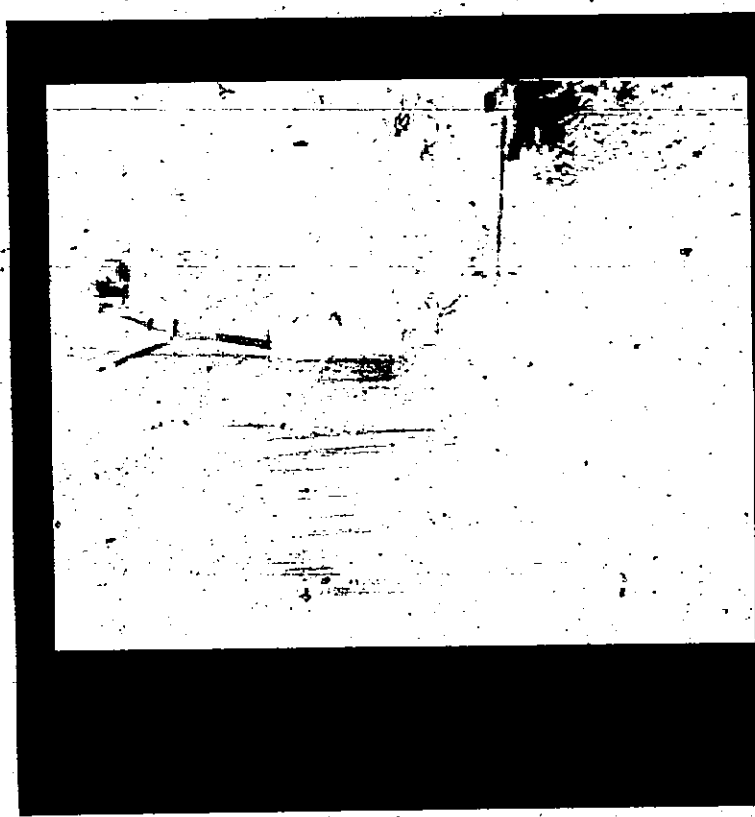
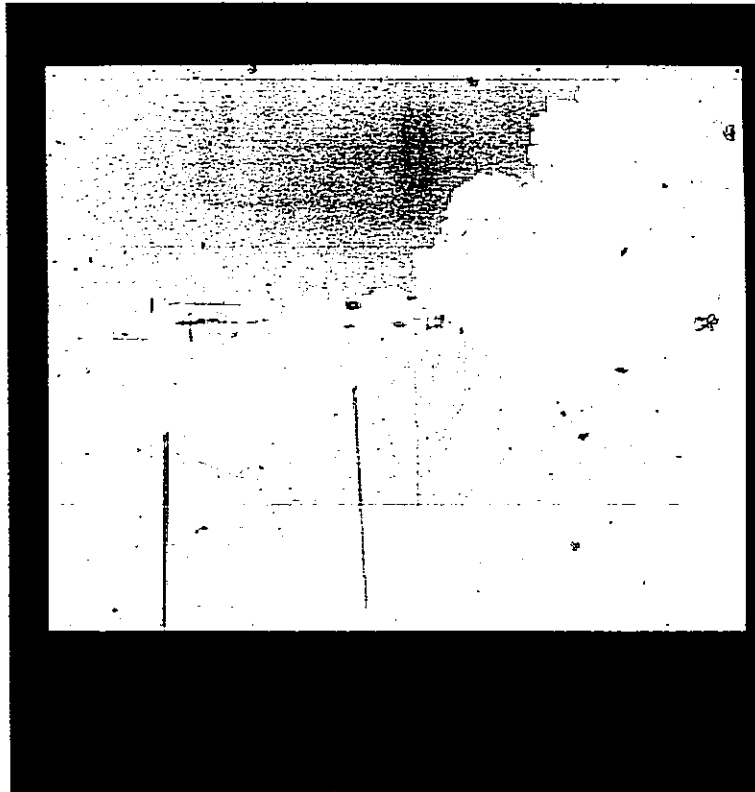
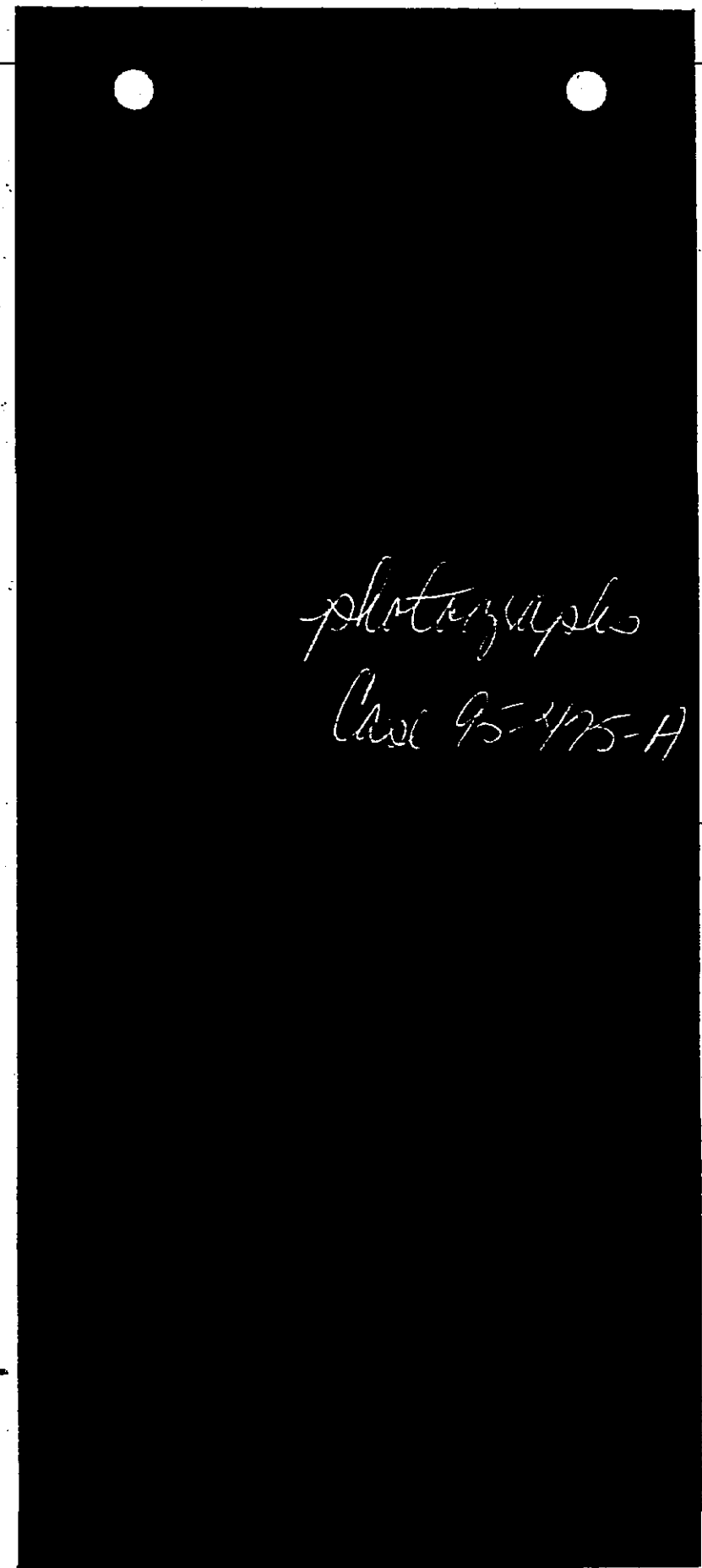
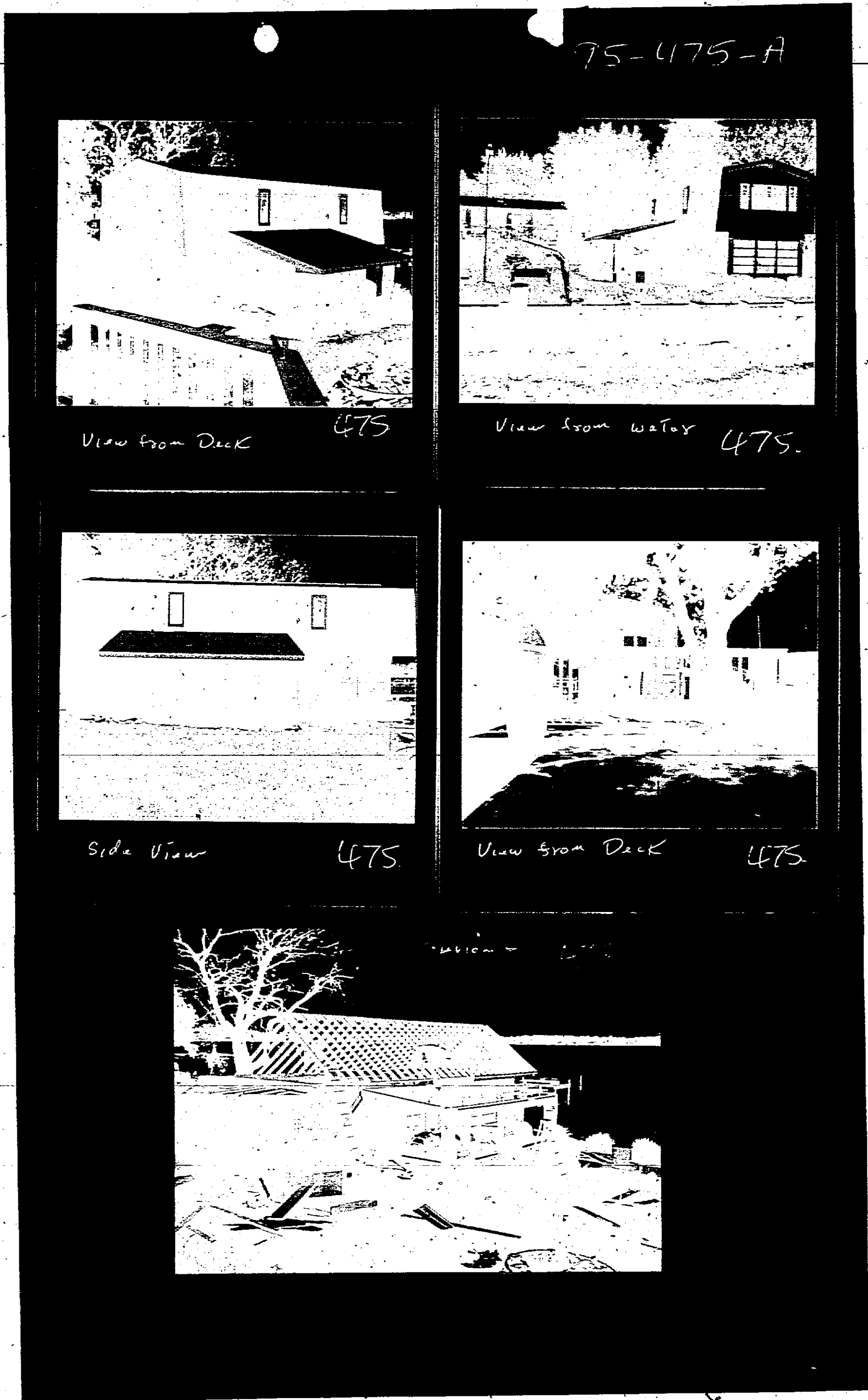
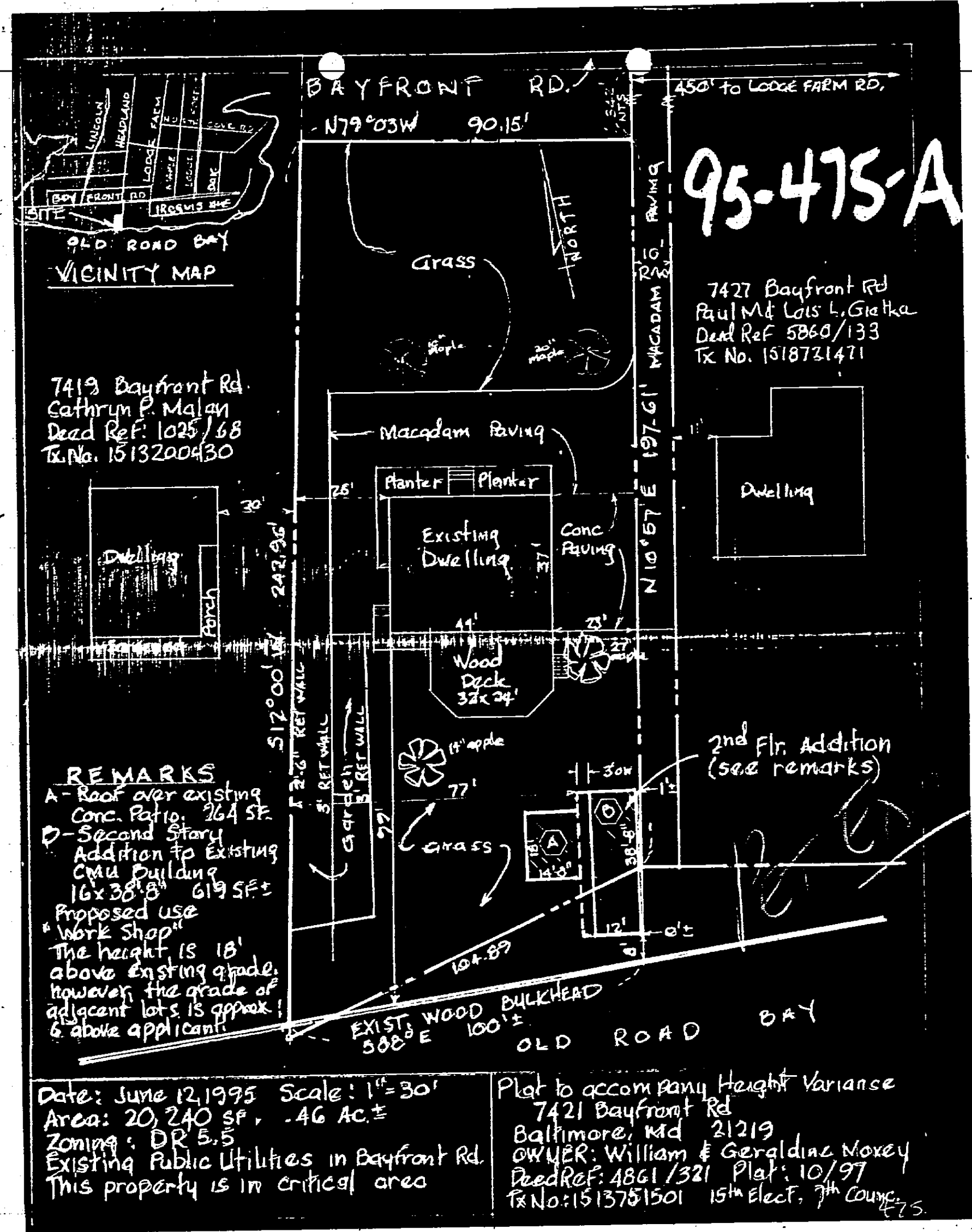
NAME Linda West ADDRESS 7419 Bayfront Rd
Baltimore Md 21219

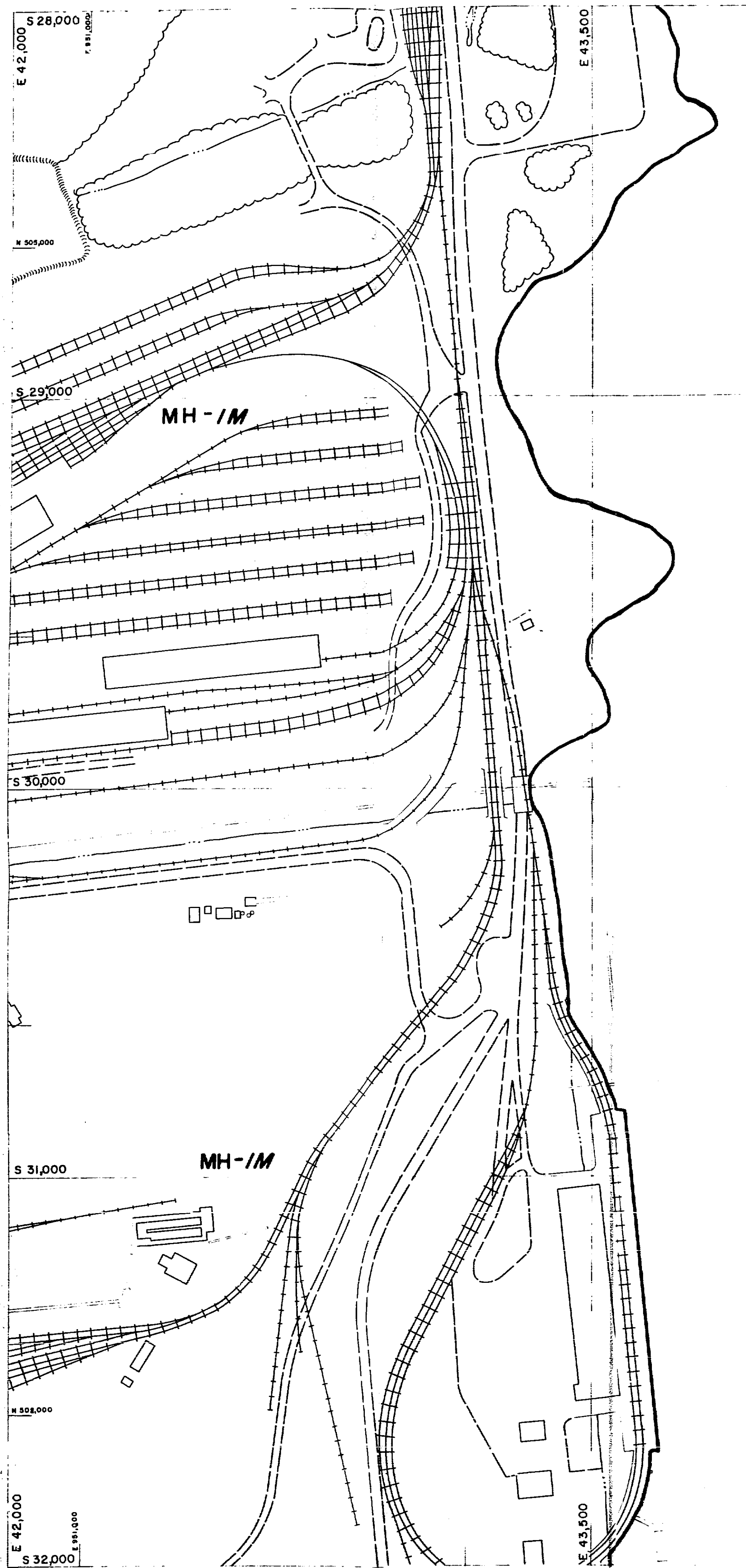
7419 Bayfront Rd.
 Cathryn P. Malen
 Dead Ref. 1025/138
 Tx No. 1513200430

REMARKS
 A-Roof over existing
 Conc. Patio, 764 SF.
 D-Second Story
 Addition to Existing
 Conc. Building
 1013 SF.
 Proposed use
 "Work Shop"
 The height is 18'
 above existing grade;
 however, the grade of
 adjacent lot is approx.
 1' above applicant.

Date: June 12, 1995 Scale: 1"=30'
 Area: 20,240 SF, .46 Ac.
 Zoning: DR 5.5
 Existing Public Utilities in Bayfront Rd.
 This property is in critical area

Plat to accompany Height Variance
 7421 Bayfront Rd.
 Baltimore, Md 21219
 OWNER: William & Geraldine Moxey
 Dead Ref. 4861/321 Plat. 10/97
 Tx No: 1513781501 15th Elect. 7th Comp.





1988 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
 Chairman, County Council

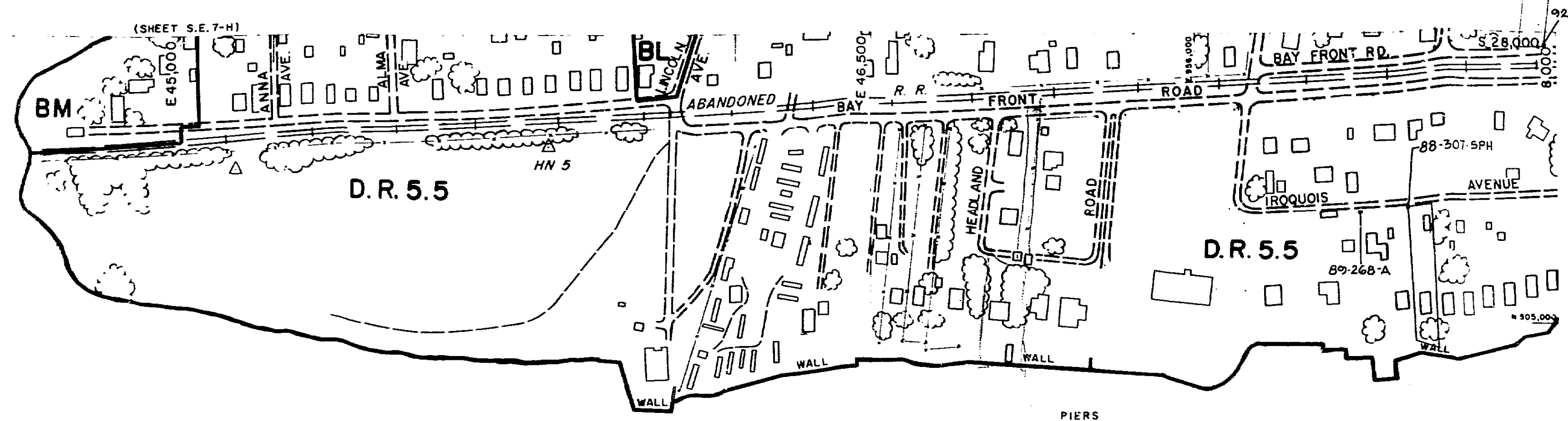
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

OLD
 ROAD
 BAY

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1992
 Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92
 William L. Howard IV
 Chairman, County Council

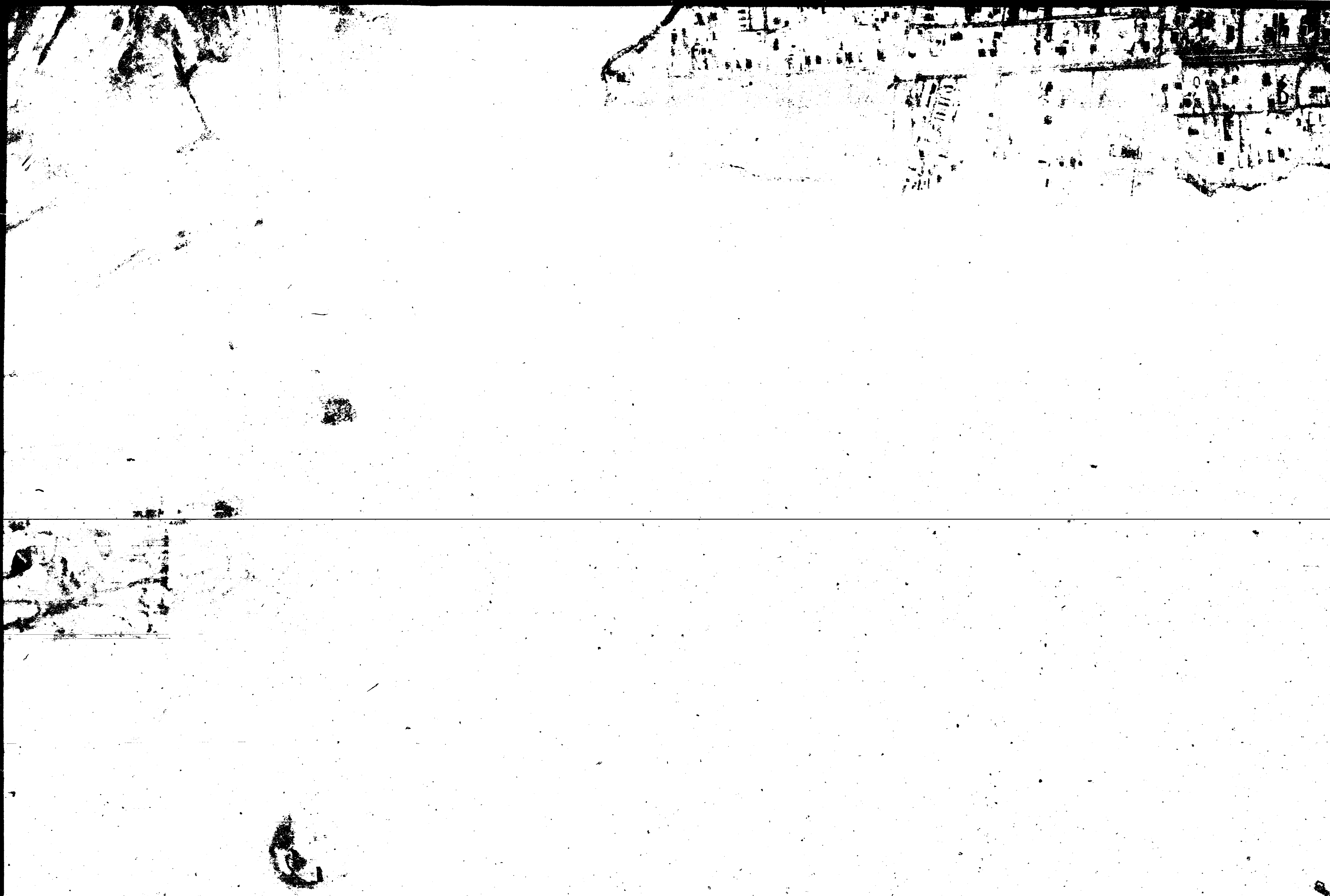
SCALE 1" = 200' ±	LOCATION LODGE FOREST	SHEET S E B-H
DATE OF PHOTOGRAPHY JANUARY 1986		



475.

95-475-A

95-475-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	Lodge Forest	S.E. 8-H
DATE OF PHOTOGRAPHY JANUARY 1986		